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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,545	03/11/2004	Alok Srivstava	oracle01.031	6477
7590 Gordon E. Nelson 57 Central St. P.O. Box 782 Rowley, MA 01969	08/17/2007		EXAMINER KIM, PAUL	
			ART UNIT 2161	PAPER NUMBER
			MAIL DATE 08/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

ED

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/798,545	SRIVSTAVA, ALOK
	<b>Examiner</b>	<b>Art Unit</b>
	Paul Kim	2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 06 June 2007.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. This Office action is responsive to the following communication: Amendment filed on 6 June 2007.
2. Claims 1-28 are pending and present for examination. Claims 1, 5, 9, 15, 19, and 23 are in independent form.

***Response to Amendment***

3. No claims have been added.
4. No claims have been cancelled.
5. No claims have been amended.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1, 3, 5, 7, 9, 11 13, 15, 17, 19, 21, 23, 25 and 27** are rejected under 35 U.S.C. 102(e) as being anticipated by Levy (U.S. Patent No. 5,995,961, hereinafter referred to as LEVY), filed on 7 November 1996, and issued on 30 November 1999.

8. **As per independent claim 1, 5, 9, 11, 15, 17, 19, 23 and 25**, LEVY teaches:

A method of initiating a connection via a network for a streaming data item between a client for the streaming data item and a streaming data item server for the streaming data item, the client and the streaming data item server being accessible to each

other via the network and the method comprising the steps performed in a search server that is accessible to the client and the streaming server via the network of:

receiving a specification of the streaming data item from the client via the network {See LEVY, C4:L25-34, wherein this reads over "the user formulates a query"};

using the specification to make a query on a database system that is accessible to the search server, the query returning a first identifier that identifies the streaming data item {See LEVY, C4:L25-34, wherein this reads over "[g]iven a query, Plan Generator accesses source descriptions in which the contents and capabilities of the available information sources are available"}; and

providing the first identifier and a second identifier to the streaming data item server, the second identifier identifying the client and the first identifier and the second identifier being usable by the streaming data item server to establish the connection {See LEVY, C4:L25-34, wherein this reads over "[b]ased on the descriptions, Plan Generator determines which information sources are relevant for the given query"}.

Furthermore, it would be inherent to include a second identifier identifying the client in a search engine system since it would be necessary identify the client to which the search results are returned.

**9. As per dependent claims 3, 7, 13, 21 and 27, LEVY teaches:**

The method of initiating a connection set forth in claim 1 wherein:

the database system is an object relational database system {See LEVY, Figure 1, Element 140} that includes a table containing an object that represents the streaming data item, an open method for the object is defined in the database system, the open method returning the first identifier {See LEVY, C4:L25-34, wherein this reads over "[g]iven a query, Plan Generator accesses source descriptions in which the contents and capabilities of the available information sources are available"}; and

the database system responds to the query by executing the open method and returning the first identifier {See LEVY, C4:L25-34, wherein this reads over "[g]iven a query, Plan Generator accesses source descriptions in which the contents and capabilities of the available information sources are available" and "[b]ased on the descriptions, Plan Generator determines which information sources are relevant for the given query"}.

Furthermore, it would be inherent to the claimed invention that an object relational database system would include a table of objects.

***Claim Rejections - 35 USC § 103***

**10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26 and 28** are rejected under 35 U.S.C.

103(a) as being unpatentable over LEVY, in view of Rodriquez, and in further view of Official Notice.

12. **As per dependent claims 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26 and 28**, LEVY, in combination with Official Notice, discloses:

The method of initiating a connection set forth in claim 1 wherein:

the client, the streaming data item server, and the search server communicate via the network using the HTTP protocol {See RODRIGUEZ, [0002], wherein this reads over "Web pages or domain addresses on the Internet or on any other public or private global computer network"};

the first identifier is a URL for the streaming data item {See RODRIGUEZ, [0042], wherein this reads over "[t]he search system is an application that allows users to enter predetermined search keywords and provides a list of results containing site information and media elements pertaining to each Web site"}; and

the second identifier is a current IP address for the client.

It would have been obvious to one of ordinary skill in the art at the time the invention was created to have an identifier be an IP address for the client since the IP/network address is necessary in the return of the search results.

### ***Response to Arguments***

13. Applicant's arguments filed 6 June 2007 have been fully considered but they are not persuasive.

a. Claim rejections under 35 U.S.C. 102

Applicant asserts the argument that "[b]ecause Levy's system does not establish a direct connection from any of its information sources to user interface 101 and does not disclose an information source the provides stream data," Levy cannot disclose the step of "providing the first identifier and a second identifier to the streaming data item server, the second identifier identifying the client and the first identifier and the second identifier being usable by the stream

data item server to establish the connection." See Amendment, page 5. The Examiner respectfully disagrees in that it is noted that the use of the second identifier by the streaming data item server to establish the connection is optionally recited as an intended use (i.e. "being usable"). Furthermore, in response to the Applicant's assertion that Levy's system does not establish a direct connection from any of its information sources to the user interface, it is noted that Levy discloses a system wherein a user can formulate a query that is directed to a plurality of sources, wherein the query contains information identifying the sources by its contents and capabilities. Accordingly, one of ordinary skill in the art would readily recognize that the submission of the query disclosed in Levy would require some sort of connection between the information source and the user interface. Furthermore, while Applicant asserts the argument that the present invention comprises a system wherein a "direct connection" is formed between a streaming data item server and a user's system, it is noted that the features upon which applicant relies (i.e., a direct connection) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant is advised to review columns 4-6 of the Levy et al (U.S. Patent No. 5,995,961), which discloses an invention which sufficiently reads upon the claims as recited in the present case.

Lastly, Applicant asserts the argument that Levy fails to disclose how "a relational database or object oriented database may be used to return an identifier for a streaming data item." See Amendment, page 6. The Examiner respectfully disagrees in that wherein Levy discloses a system wherein the sources return results to a query and the sources may be include a relational database or an object-oriented database, one of ordinary skill in the art would acknowledge that it would be inherent to execute an open method and return the resulting first identifier.

Accordingly, the claim rejections under 35 U.S.C. 102 are sustained.

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***Conclusion***

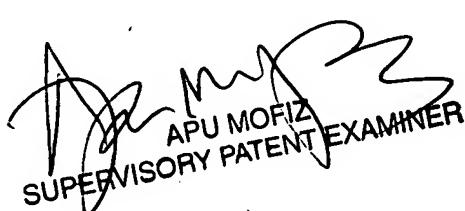
14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is (571) 272-2737. The examiner can normally be reached on M-F, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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